



February 4, 2005

HOUSE BILL No. 1320

DIGEST OF HB 1320 (Updated February 1, 2005 2:19 pm - DI 77)

Citations Affected: IC 16-18; IC 16-21.

Synopsis: Health entity construction projects. Requires public hearings before certain hospital and ambulatory outpatient surgical center construction projects may begin.

Effective: July 1, 2005.

Becker, Budak, Frizzell, Brown C

January 13, 2005, read first time and referred to Committee on Public Health.
February 3, 2005, amended, reported — Do Pass.

C
o
p
y

HB 1320—LS 7258/DI 97+



February 4, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1320

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-70.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: **Sec. 70.1. "Construction project" has**
4 **the meaning set forth in IC 16-21-2-11.5(a).**

5 SECTION 2. IC 16-21-2-11.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2005]: **Sec. 11.5. (a) As used in this section,**
8 **"construction project" means the erection, installation, alteration,**
9 **repair, or remodeling of a building or structure that, when**
10 **completed, will be subject to licensure as a hospital or an**
11 **ambulatory outpatient surgical center under this article. The term**
12 **does not include the acquisition or installation of medical**
13 **equipment or the purchase of the services of an architect, engineer,**
14 **or consultant to prepare plans or studies related to a construction**
15 **project.**

16 **(b) Except as provided in subsection (c), this section applies to**
17 **a hospital or an ambulatory outpatient surgical center for which**

HB 1320—LS 7258/DI 97+



C
o
p
y

1 licensure is required under this article.

2 (c) This section does not apply to:

3 (1) a hospital or an ambulatory outpatient surgical center that
4 is operated by the federal government or an agency of the
5 federal government; or

6 (2) a construction project begun before July 1, 2005.

7 For purposes of this subsection, a construction project is
8 considered to have begun on the day that the physical erection,
9 installation, alteration, repair, or remodeling of the building or
10 structure commences.

11 (d) Before the owner of:

12 (1) a hospital or proposed hospital may begin a construction
13 project that is estimated by the owner to cost at least ten
14 million dollars (\$10,000,000); or

15 (2) an ambulatory outpatient surgical center or a proposed
16 ambulatory outpatient surgical center may begin a
17 construction project that is estimated by the owner to cost at
18 least three million dollars (\$3,000,000);

19 the owner shall hold at least two (2) public hearings concerning the
20 construction project and publish notice of each hearing at least ten
21 (10) days before the hearing is held.

22 (e) A notice published under subsection (d) must meet the
23 standards specified for public notices in IC 5-3-1.

24 (f) A hearing held under subsection (d):

25 (1) must:

26 (A) be held at a location not more than ten (10) miles from
27 the site of the construction project;

28 (B) be held exclusively by the owner or the owner's
29 representative; and

30 (C) include an announcement from the owner or the
31 owner's representative that provides to the public:

32 (i) a description of;

33 (ii) an estimate of the cost of; and

34 (iii) a statement regarding the owner's reason for;

35 the construction project, including a description of the
36 health care services that will be provided by the hospital or
37 ambulatory outpatient surgical center as a result of the
38 construction project; and

39 (2) may be held:

40 (A) on any day of the week other than Saturday or Sunday;
41 and

42 (B) at any time not earlier than 3 p.m. or later than 9 p.m.;

C
O
P
Y



as determined by the owner.

(g) A hearing held as required under this section does not cause any information or materials possessed or held by the owner or the owner's employee, contractor, agent, or representative to be discoverable or considered public information or public materials.

(h) A statement or question concerning a construction project, or an objection to a construction project, that arises during a hearing held under this section may not cause a delay in or denial of the issuance of a license under this article.

(i) Compliance with this section may be enforced only by the state department.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1320, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 19, delete "make" and insert "**hold**".

Page 2, line 19, delete "announcements" and insert "**hearings**".

Page 2, line 21, delete "announcement at" and insert "**hearing at**".

Page 2, line 21, delete "announcement is" and insert "**hearing is**".

Page 2, line 22, delete "made." and insert "**held**".

Page 2, line 25, delete "An announcement made" and insert "**A hearing held**".

Page 2, line 27, delete "made" and insert "**held**".

Page 2, line 29, delete "made" and insert "**held**".

Page 2, line 31, delete "include:" and insert "**include an announcement from the owner or the owner's representative that provides to the public:**".

Page 2, line 35, delete "project;" and insert "**project, including a description of the health care services that will be provided by the hospital or ambulatory outpatient surgical center as a result of the construction project;**".

Page 2, line 36, delete "made:" and insert "**held:**".

Page 2, line 39, delete "8 a.m." and insert "**3 p.m.**".

Page 2, line 39, delete "5 p.m.;" and insert "**9 p.m.;**".

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 3.

Page 3, line 4, delete "(h) An announcement made" and insert "**(g) A hearing held**".

Page 3, line 9, delete "(i)" and insert "**(h)**".

Page 3, line 10, delete "during an" and insert "**during a**".

Page 3, line 11, delete "announcement made" and insert "**hearing held**".

Page 3, line 13, delete "(j)" and insert "**(i)**".

and when so amended that said bill do pass.

(Reference is to HB 1320 as introduced.)

BECKER, Chair

Committee Vote: yeas 9, nays 2.

HB 1320—LS 7258/DI 97+



C
O
P
Y